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8 UNITED STATES BANKRUPTCY COURT
9 DISTRICT OF OREGON

10 In re

11 Van's Aircraft, Inc.,

12 Debtor.
13

Case No. 23-62260-dwh11

**DEBTOR'S RESPONSE TO EARLE M.
JORGENSEN CO.'S MOTION FOR
ALLOWANCE OF ADMINISTRATIVE
CLAIM UNDER 503(b)(9)**

14 Vans Aircraft, Inc. ("Debtor") does not object to the allowance of an 11 USC § 503(b)(9)
15 administrative expense claim for Earl M. Jorgenson in the amount of \$5,750. Debtor does object
16 to payment of that claim prior to the Effective Date of a plan of reorganization.

17 The general rule is that administrative expense claims are not payable until the Effective
18 Date of a confirmed plan of reorganization. 11 USC §§ 1129(a)(9) and 1191(a). There is
19 nothing in the Bankruptcy Code that requires payment of 503(b)(9) claims prior to that date.
20 Payment to holders of prepetition 503(b)(9) claims ahead of other administrative expense claims,
21 including those incurred postpetition which have and continue to contribute to the ongoing
22 successful reorganization of the case, would not be appropriate nor aid the reorganization
23 process. There is no reason the 503(b)(9) claim of Earl M. Jorgensen Co. should be paid early in
24 this case.
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